IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 2036 OF 2007
IN
CENTRAL EXCISE APPEAL NO. 118 OF 2007

M/s. Coca Cola India Pvt. Ltd. .. Petitioner.

V/s.

The Commissioner of Central Exise
Pune-III .. Respondent.

Mr.Vikram Nankani i./b.M.R.Baya for the petitioner.

Mr.Y.S.Bhate with Mr.A.S.Rao for the respondent.

CORAM : F.I.REBELLO &
R.V.MORE, JJ.

DATED : 5TH JULY, 2007.

P.C. :

1. The appeal has been admitted. After hearing the parties, the interim relief as per prayer clause (a) is granted subject to the following conditions.

2. On behalf of the appellant, the learned counsel states that they will not utilise the sum of Rs.75,15,733/- lying in Cenvat Account in their favour and that this amount will be available to the respondent, in the event the appeal is dismissed. Hearing of Central Excise Appeal No.118 of 2007 is expedited by this Court. In the light of that, there will so an interim relief in terms of prayer clause (a). Motion disposed of accordingly.

3. The appellants to file an undertaking with the jurisdictional officer in terms of what is set out earlier.

(F.I.REBELLO, J.)

(R.V.MORE,J.)